

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 12/03/12	NUMBER 04.02.120
SUBJECT INDIGENT PRISONERS		SUPERSEDES 04.02.120 (01/01/07)	
		AUTHORITY MCL 791.203, Administrative Rule 791.6603; 791.6639	
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POLICY STATEMENT:

Indigent prisoners in a Correctional Facilities Administration (CFA) institution are eligible to receive loans and services as set forth in this policy.

POLICY:

GENERAL INFORMATION

A. This policy does not apply to prisoners in the Special Alternative Incarceration Program (SAI).

PLACEMENT ON INDIGENT LIST

B. A prisoner is eligible for indigent status if s/he meets all of the following criteria:

1. Neither the prisoner's actual account balance nor his/her beginning spendable balance plus receipts equaled or exceeded \$11.00 in the calendar month preceding application for indigent status, except as follows:
 - a. If funds are received that are designated for release planning or for medical or educational expenses, those funds shall not be used in the calculation.
 - b. If there is a hold placed on the account due to a personal transaction (e.g., catalog order, television purchase), only the prisoner's beginning spendable balance plus receipts shall be considered, except for the month in which the hold was placed.
 - c. If the prisoner is not a United States citizen and is therefore having income tax withheld at the flat rate of 30% under Internal Revenue Service regulations, the actual account balance and the beginning spendable balance shall be determined after the 30% has been withheld. For prisoners who are United States citizens but have not provided names and Social Security numbers verified by the Internal Revenue Service and are therefore having income tax withheld at the flat rate of 28%, the actual account balance and the beginning spendable balance shall be determined before the 28% is withheld.
2. The prisoner has no known cashable savings bonds;
3. The prisoner did not refuse a work or school assignment within the 12 months preceding application for indigent status; and
4. The prisoner was not terminated from a work or school assignment for unsatisfactory performance, or as the result of being found guilty of misconduct, within the 12 months preceding application for indigent status.

C. A prisoner eligible for indigent status must apply to the Warden or designee to request placement on the indigent list. The prisoner shall be placed on the indigent list if s/he meets the eligibility criteria set forth in Paragraph B. The prisoner shall remain on the list for a one-month period, at which time the prisoner must reapply if s/he wants to be considered for placement on the indigent list for another one-month period. For example, if the prisoner is placed on the list on the 10th of the month, s/he remains on the list only until the 9th of the following month unless

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the prisoner has reapplied and has been approved for placement on the list for another one-month period. A prisoner shall be considered indigent only while on the indigent list.

INDIGENT LOANS

- D. Except as set forth in Paragraph E, an indigent prisoner shall be provided with a loan not to exceed \$11.00 per month. The amount loaned shall be the difference between \$11.00 and the prisoner's beginning spendable balance for the preceding month as calculated pursuant to Paragraph B added to the total funds received during that month. The loan shall be used only to purchase mandatory health care products, over-the-counter personal care products, and hygiene products as identified on the Standardized Store List developed pursuant to PD 04.02.130 "Prisoner Store", and as available for purchase through the prisoner store.
- E. A prisoner who is in punitive segregation (i.e., detention) or administrative segregation on the date the indigent loan is processed and is provided or given access to personal hygiene items pursuant to PD 04.05.120 "Segregation Standards" at Department expense shall be loaned only a maximum of \$5.00 per month. The amount of the loan shall be calculated in the same manner as set forth in Paragraph D. The loan shall be used only to purchase mandatory health care products and over-the-counter personal care products as identified on the Standardized Store List, and as available for purchase by segregation prisoners through the prisoner store.
- F. Any portion of an indigent loan not used by a prisoner during the one-month period for which it was received shall not be carried forward.
- G. An indigent loan shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds".

ADDITIONAL SERVICES PROVIDED TO INDIGENT PRISONERS

- H. An indigent prisoner shall be loaned the postage equivalent for mailing a maximum of ten first class letters of one ounce or less during each month s/he is on indigent status. The postage shall be loaned at the time the prisoner is mailing a letter or package. Postage not used by the prisoner during the month shall not be carried forward. Funding for the postage shall be from the Prisoner Benefit Fund (PBF). Any postage loaned shall be treated as an institutional debt and collected as set forth in PD 04.02.105 "Prisoner Funds"; funds collected shall be returned to the PBF which funded the loan.
- I. An indigent prisoner shall be provided photocopying services for necessary legal materials as set forth in PD 05.03.116 "Prisoners' Access to the Courts" and loaned additional postage for legal mail as set forth in PD 05.03.118 "Prisoner Mail". Postage shall be loaned to prisoners on indigent status pursuant to this paragraph only after the prisoner has used all postage available pursuant to Paragraph H.

PROCEDURES

- J. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive. Procedures shall be completed within 60 calendar days after the effective date of this policy directive. This includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Procedures shall not conflict with operating procedures issued by the Director.

AUDIT ELEMENTS

- K. A Primary Audit Elements List has been developed and is available on the Department's Document Access System to assist Wardens with self audit of this policy pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

APPROVED: DHH 11/19/12